

REMARKS

Applicants acknowledge receipt of the Office Action mailed October 21, 2003. In addition, applicants wish to thank Examiner Ware and Primary Examiner Naff for the opportunity to speak with them on April 1, 2004. In accordance with the Examiners' remarks during the interview and in the final Office Action, applicants present the following amendments. These amendments add, change and/or delete claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claims 4-6, 11-13, 17-19, 24-26, 30, 33-36, 38 and 43 are currently being cancelled. Applicants do not intend to surrender the subject matter contained in the cancelled claims. They retain the right to submit claims directed to this subject matter in the future.

Claims 3, 10, 16, 23, 29, 37, and 42 are currently being amended.

No claims are being added.

After amending the claims as set forth above, claims 1-3, 7-10, 14-16, 20-23, 27-29, 31-32, 37, 39-42, and 44-47 are now pending in this application. Applicants believe that they have placed the claims in condition for allowance as discussed below.

In the October 21st Office Action, the Examiner indicated that claims 1 and 2 contain allowable subject matter and that claims 6 and 13 would be allowable if written in independent form. Applicants have therefore maintained claims 1 and 2 and have combined claims 6 and 13 with claims 3 and 10, respectively, to provide claims that cover the subject matter set forth in claims 6 and 13, but written in independent form.

The Examiner also indicated in an Office Action, mailed November 19, 2002, that claims 16-45, which had been restricted out, could be rejoined if revised to conform to the allowable subject matter. During the April 1st interview, the Examiner indicated that independent claims 16, 23, 29, 37, and 42, if amended, could be rejoined along with their respective dependent claims. Thus, applicants have amended claims 16, 23, 29, 37, and 42 to conform to the allowable subject matter. Further, independent claim 33 has been cancelled along with its dependent claims as requested by the Examiner.

Applicants note that they removed the "prevention" recitation from the claims, as requested, and limited the claims to the bacteria strains, *Acetobacter* BC-Y058 and *Lactobacillus* BC-Y009. In addition, applicants removed the recitation, "wherein the microorganism is capable of producing polysaccharide" or "an extracellular polysaccharide," because the Examiner indicated that this recitation is inherent to the recited bacteria strains.

Applicants believe that the present application is now in condition for allowance. Favorable consideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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